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Diplomatic protection

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Diplomatic protection" was included in the provisional agenda of the seventy-first session of the General Assembly pursuant to Assembly resolution 68/113 of 16 December 2013.
2. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 9th, 10th, 31st and 32nd meetings, on 7 and 10 October and on 4 and 7 November 2016. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.¹
4. For its consideration of the item, the Committee had before it the report of the Secretary-General on comments and information received from Governments² on the recommendation of the International Law Commission that the General Assembly elaborate a convention on the basis of the draft articles on diplomatic protection adopted by the Commission at its fifty-eighth session, in 2006.³
5. Pursuant to resolution 68/113, the Committee decided, at its 1st meeting, on 3 October 2016, to establish a Working Group on Diplomatic Protection, in order to fulfil the mandate conferred by the General Assembly on the Committee, namely, to further examine, in the light of the written comments of Governments as well as

¹ A/C.6/71/SR.9, A/C.6/71/SR.10, A/C.6/71/SR.31 and A/C.6/71/SR.32.

² A/71/93 and Corr.1.

³ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)*, para. 46.



views expressed in the debates held at the sixty-second, sixty-fifth and sixty-eighth sessions of the Assembly, the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the articles drafted by the International Law Commission and also to identify any difference of opinion on the articles. At the same meeting, the Committee decided to open the Working Group to all States Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The Working Group, which was chaired by Thembile Joyini (South Africa), held two meetings, on 17 and 19 October 2016.

6. At its 31st meeting, on 4 November 2016, the Committee heard and took note of the oral report of the Chair of the Working Group (see A/C.6/71/SR.31).

II. Consideration of draft resolution A/C.6/71/L.14

7. At the 31st meeting, on 4 November 2016, the representative of South Africa, on behalf of the Bureau, introduced a draft resolution entitled "Diplomatic protection" (A/C.6/71/L.14).

8. At the 32nd meeting, on 7 November 2016, the Committee adopted draft resolution A/C.6/71/L.14 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Recalling its resolution 62/67 of 6 December 2007, the annex to which contains the text of the articles on diplomatic protection, commending the articles to the attention of Governments,

Recalling also that the International Law Commission decided to recommend to the General Assembly the elaboration of a convention on the basis of the articles on diplomatic protection,¹

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of diplomatic protection is of major importance in relations between States,

Taking into account the comments and observations of Governments² and the discussions held in the Sixth Committee, at the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions of the General Assembly, on diplomatic protection,

1. *Commends once again* the articles on diplomatic protection³ to the attention of Governments, and invites them to submit in writing to the Secretary-General any further comments, including comments concerning the recommendation by the International Law Commission to elaborate a convention on the basis of the articles;¹

2. *Decides* to include in the provisional agenda of its seventy-fourth session the item entitled "Diplomatic protection" and, within the framework of a working group of the Sixth Committee, in the light of the written comments of Governments, as well as views expressed in the debates held at the sixty-second, sixty-fifth, sixty-eighth and seventy-first sessions of the General Assembly, to continue to examine the question of a convention on diplomatic protection, or any other appropriate action, on the basis of the above-mentioned articles and to also identify any difference of opinion on the articles.

¹ *Official Records of the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10), para. 46.*

² See A/62/118 and Add.1, A/65/182 and Add.1, A/68/115 and Add.1 and A/71/93 and Corr.1.

³ Resolution 62/67, annex.